IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 12580 of 2004

Between:

M. Nageswara Rao, S/o Dasaradharama Rao, R/o Kaspapentapadu, Pentapadu Mandal, West Godavari District.

..... PETITIONER

AND

1 The Assistant Commissioner, Endowments Department, Eluru, West Godavari District.
2 Regional Joint Commissioner, Multi Zone-I, Endowments Department, Kakinada,. East Godavari Disrict.
3 Fit Person. Sri Byragi Matham, K. Pentapadu, Pentapadu Mandal, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ, orders or directions and more particularly in the nature of Writ of Mandamus declaring that the orders passed by the1st respondent in R.C.No. A4/5304/2003-23 Adm. dated 15-7-2003 as confirmed by the 2nd respondent in appeal No. 23/2004, dated 10-6-2004 are illegal, arbitrary and much against to the legal and fundamental rights guaranteed under the Constitution of India and consequently

a. to set aside the orders passed by the first respondent and second respondent
b. to direct the first respondent to declare the petitioner as land less poor person under Section 82 of the A.P.Charitable and Hindu Religious Endowments Act, 1987 (Act, 30 of 1987) and is entitled for the benefits conferred to the land less poor persons and in the event it was decided by the Government not to sell the agricultural lands in favour of the land less poor persons, the

respondents are directed to continue the petitioner as lessees by receiving the Maktha.

And to pass such other order or orders as deem fit and proper in the circumstances of the case and in the interest of justice, equity and good conscience, as otherwise the petitioner shall be put to grave and inexplicable hardship and injury.

Counsel for the Petitioner: MR.PALIVELASATYARAJA BABU

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court made the following:

ORDER:

Sri Palivela Satyarajababu, the learned counsel for the petitioner, seeks permission to withdraw the writ petition with liberty to avail the appropriate remedy as available under law.

Accordingly granting liberty, the writ petition is dismissed as withdrawn. No costs.

09.08.2004

VGB

To

1 The Assistant Commissioner, Endowments Department, Eluru, West Godavari District.
2 The Regional Joint Commissioner, Multi Zone-I, Endowments Department, Kakinada, East Godavari Disrict.
3 Fit Person, Sri Byragi Matham, K. Pentapadu, Pentapadu Mandal, West Godavari District.

4 2CCs to the Govt. Pleader for Endowments, High Court Buildings, Hyderabad (OUT)

5 2CD copies